

REMARKS

Applicant appreciates the courtesies extended to applicant's representative by the Examiner during an in-person interview conducted on April 26, 2005. The amendments and remarks contained herein are in compliance with the substance of the interview. Claims 1-6 and 8-19, as amended, appear in this application for the Examiner's review and consideration. The claims have been amended has been added in accordance with the discussions during the interview and to more clearly define the scope of coverage sought by the present application. In particular, independent claims 1 and 12 have been amended to clarify the recitation of the appearance of being hand-wrapped. These claims have been amended to recite that the pre-determined folded shape includes an overlapping portion and a plurality of peaked sections that provide an appearance of the sheet of material having been wrapped by hand around a floral arrangement. In addition, claim 1 has been amended to recite that the pre-determined folded shape is capable of being used like a flower sleeve to hold the floral arrangement. Support for the amendments can be found in the claims and specification as originally filed, for example claim 4, Fig. 2, page 6, line 16 and page 5, lines 30-31. Claim 4 has been amended for purposes of consistency with the amendments to claim 1. Claim 18 has been amended to include all of the recitations of the previous versions of claims 1, 9 and 10. No addition recitations were included. Therefore, all of the current claims are supported by the specification as originally filed and do not introduce any new matter. As these amendments do not introduce any new matter, their entry at this time is warranted.

Claims 1-6 and 8-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over, U.S. Patent no. 6,604,674 to Bowman in view of U.S. patent no. 6,484,442 to Weder for the reasons stated on pages 2-3 of the Office Action. It was asserted that Bowman discloses a wrap and method comprising: a sheet of material that has intersecting lines, a folding sequence corresponding to a pre-determined shape for the wrap which comprises an appearance of being wrapped by hand. In addition, it was asserted that Bowman shows a single sheet of material with visual indicia arranged to illustrate the folding sequence as well as fastening means to overlap portions and that Bowman appears to show a transparent outer wrap as well as a translucent inner wrap. Although Bowman was said to not disclose the wrapping material to be used for a flower wrap as claimed, Weder was said to disclose a sheet of material with unfolded and folded positions, a plurality of lines to fold the sheet in a pre-defined sequence, a generally conical shape, visual indicia which include printing instructions

and fastening means. It was also asserted that the indicia directs the operator to provide fold pleats at predetermined portions which reads on the markings being arranged to compliment the folded shape of the sheet. Applicant asserts that these rejections have been overcome for the reasons that follow.

Bowman is directed to gift wrapping and provides a flat packaged, folding gift box in combination with a complementarily dimensioned sheet of gift wrap for hand wrapping the box. The wrapping sheet is pre-cut, pre-scored and is pre-taped in that tape is applied to the flat sheet, and the wrapping sheet includes selected decorative design elements printed or formed on one surface. The other surface, called the operational surface, includes printed step-by-step instructions for folding the wrapping sheet by hand around the correspondingly dimensioned box.

By contrast, the present invention, as presently recited in claims 1 and 12 is directed to a pre-folded flower wrap that includes a sheet of material that includes a plurality of scored intersecting lines defining a distinct folding sequence that corresponds to a pre-determined folded shape that includes an overlapping portion and a plurality of peaked sections that provide an appearance of the sheet of material having been wrapped by hand around a floral arrangement. As recited in claim 1, the pre-determined folded shape is capable of being used like a flower sleeve to hold the floral arrangement. Bowman is not directed to flower wrappings at all and contains no disclosure or teaching related to flower wrappings. The wrap in Bowman is specifically used to wrap boxes and each wrapping sheet in Bowman is specifically sized and arranged according to the box to be wrapped. In addition, the wrap in Bowman is not pre-folded as recited in the present invention. In fact, the wrapping sheet in Bowman is provided flat and unfolded for subsequent hand wrapping of the specifically associated box.

The wrapping sheets in Bowman do not have an overlapping portion and a plurality of peaked sections that provide an appearance of the sheet of material having been wrapped by hand around a floral arrangement. The structure of the overlapping portion and peaked sections are associated with the hand-wrapped appearance. This hand-wrapped appearance relates to the type of appearance that would be achieved if the sheet of material of the present invention were wrapped around a flower arrangement free hand, for example by a florist or street vendor. However, as recited in claim 1, the structure of the pre-determined folded shape is capable of being used like a flower sleeve to hold a floral arrangement. Therefore, the pre-

folded flower wrap in accordance with the present invention provides the unexpected benefit of combining the aesthetics of hand-wrapped flowers with the convenience of flower sleeves. The wrapping sheets of Bowman are actually wrapped by hand, and Bowman is not attempting to create an appearance of hand-wrapping. In fact, the wrapping sheets of Bowman are arranged to create uniformity in wrapping, producing a wrapping that has less of a hand-wrapped appearance. Therefore, one of ordinary skill in the art looking for flower wraps and methods for making flower wraps that combine hand-wrapped aesthetics with flower sleeve convenience would not look to Bowman which teaches exactly the opposite type of system and product, i.e. less hand-wrapped appearance in a product that is actually wrapped by hand.

Referring to independent claim 18, the pre-folded flower wrap in addition to having an appearance of being wrapped by hand includes markings disposed across the sheet of material and arranged to produce a selected appearance with the sheet of material is in the folded position. As illustrated, for example in Fig. 1, the markings include portions containing transparent colors 38,42 and transparent areas 40 and a separate from the lines 12. The markings are arranged to compliment the pre-determined shape of the pre-folded flower wrap and to produce an appearance of a generally translucent inner wrap surrounded by a generally transparent outer wrap. Contrary to the assertion in the Office Action that Bowman appears to show a transparent outer wrap as well as a translucent inner wrap, there is no such teaching, disclosure or suggestion of overlapping layers in Bowman where an inner layer is translucent and an outer layer is transparent. In fact, there is no teaching in Bowman of the use of translucent and transparent materials. The material in Bowman is opaque, and each side is marked differently. In fact, the opaque nature of the material in Bowman is used to hide the printed step-by-step instructions after the sheet of material has been folded. Therefore, one of ordinary skill in the art looking to achieve the unexpected benefit of the present invention of an appearance of a translucent inner wrap surrounded by a generally transparent outer wrap, for example the look associated with hand wrapping a floral arrangement with a sheet of colored tissue paper followed by a sheet of plastic, in a pre-folded flower wrap would not look to the disclosure of Bowman.

The dependent claims contain additional recitations that further define the present invention over Bowman. For example, claim 8 recites that the pre-determined shape includes the appearance of multiple overlapping hand-wrapped layers. Bowman fails to disclose or

suggest any type of multiple overlapping layers. Claims 9 and 10, which depend from claim 1, include markings disposed across the sheet of material and arranged to produce a selected appearance with the sheet of material is in the folded position. As illustrated, for example in Fig. 1, the markings include portions containing transparent colors 38,42 and transparent areas 40 and are separate from the lines 12. The markings are arranged to compliment the pre-determined shape of the pre-folded flower wrap and to produce an appearance of a generally translucent inner wrap surrounded by a generally transparent outer wrap. As was stated above with respect to claim 18, there is no teaching, disclosure or suggestion of overlapping layers in Bowman where an inner layer is translucent and an outer layer is transparent. Therefore, the present invention is not rendered obvious by reference to Bowman.

The shortcomings of Bowman are not overcome by Weder. Weder is directed to sheets of material having forming indicia for forming into flower pot or plant covers and teaches that any thickness of the sheet of material may be utilized ... as long as the sheet of material is wrappable about an object such as a flower pot or a plant contained in a growing medium (col. 4, lines 30-33). The decorative cover is created by folding, gathering and/or crimping the sheet of material as designated by the forming indicia.

By contrast, the present invention, as presently recited in claims 1 and 12 is directed to a pre-folded flower wrap that includes a sheet of material that includes a plurality of scored intersecting lines defining a distinct folding sequence that corresponds to a pre-determined folded shape that includes an overlapping portion and a plurality of peaked sections that provide an appearance of the sheet of material having been wrapped by hand around a floral arrangement. As recited in claim 1, the pre-determined folded shape is capable of being used like a flower sleeve to hold the floral arrangement. Weder does not disclose or suggest a pre-folded flower wrap including a plurality of scored intersecting lines as presently recited.

The sheets of material in Weder lack the overlapping portion and a plurality of peaked sections that provide an appearance of the sheet of material having been wrapped by hand around a floral arrangement. The structure of the overlapping portion and peaked sections are associated with the hand-wrapped appearance. This hand-wrapped appearance relates to the type of appearance that would be achieved if the sheet of material of the present invention were wrapped around a flower arrangement free hand, for example by a florist or street vendor. However, as recited in claim 1, the structure of the pre-determined folded shape is capable of being used like a flower sleeve to hold a floral arrangement. Therefore, the pre-

folded flower wrap in accordance with the present invention provides the unanticipated benefit of combining the aesthetics of hand-wrapped flowers with the convenience of flower sleeves. As with Bowman, Weder neither teaches nor discloses a pre-determined folded shape including an overlapping portion and a plurality of peaked sections that provide an appearance of the sheet of material having been wrapped by hand around a floral arrangement. In fact, the sheet of material is provided to be wrapped by hand around a mold or a flower pot and can also be formed without the use of a flower pot or mold. However, Weder still lacks the teaching or suggestion of the overlapping portion and plurality of peaked sections of the present invention. Neither Weder nor Bowman is attempting to create an appearance of hand-wrapping as currently recited. In fact, the sheets of Bowman are expressly hand wrapped around the object to be covered and are arranged to produce a wrapping that has less of a hand-wrapped appearance, and the express benefits of Weder are that the sheets of material can be formed without having to wrap the sheets around the object to be covered or a mold. Therefore, one of ordinary skill in the art looking for flower wraps and methods for making flower wraps that combine hand-wrapped aesthetics with flower sleeve convenience would not look to Bowman, which teaches exactly the opposite type of system and product, in combination with Weder.

Referring to independent claim 18, the pre-folded flower wrap in addition to having an appearance of being wrapped by hand includes markings disposed across the sheet of material and arranged to produce a selected appearance with the sheet of material is in the folded position. As illustrated, for example in Fig. 1, the markings include portions containing transparent colors 38,42 and transparent areas 40 and are separate from the lines 12. The markings are arranged to compliment the pre-determined shape of the pre-folded flower wrap and to produce an appearance of a generally translucent inner wrap surrounded by a generally transparent outer wrap. As was asserted in the Office Action, the indicia in Weder directs the operator to provide folds at predetermined portions which reads on the markings being arranged to compliment the folded shape of the sheet. However, the markings in the present invention are separate from the forming indicia. In addition, there is no teaching or suggestion in Weder of the indicia being arranged to produce the appearance of a generally translucent inner wrap surrounded by a generally transparent outer wrap. In fact, there is no disclosure in Weder of any inner wrap surrounding and outer wrap. Weder only discloses pleats that can be folded against the sheet of material to partially overlap


portions of the sheet of material. This overlapping does not produce or suggest an inner wrap surrounded by an outer wrap. Therefore, one of ordinary skill in the art looking to achieve the unexpected benefit of the present invention of an appearance of a translucent inner wrap surrounded by a generally transparent outer wrap, for example the look associated with hand wrapping a floral arrangement with a sheet of colored tissue paper followed by a sheet of plastic, in a pre-folded flower wrap would not look to the disclosure of Weder either alone or in combination with Bowman.

The dependent claims contain additional recitations that further define the present invention over Weder. For example, claim 8 recites that the pre-determined shape includes the appearance of multiple overlapping hand-wrapped layers. In addition to lacking disclosure on a single overlapping layer, Weder fails to disclose or suggest any type of multiple overlapping layers. Claims 9 and 10, which depend from claim 1, include markings disposed across the sheet of material and arranged to produce a selected appearance with the sheet of material is in the folded position. As illustrated, for example in Fig. 1, the markings include portions containing transparent colors 38,42 and transparent areas 40 and are separate from the lines 12. The markings are arranged to compliment the pre-determined shape of the pre-folded flower wrap and to produce an appearance of a generally translucent inner wrap surrounded by a generally transparent outer wrap. As was stated above with respect to claim 18, there is no teaching, disclosure or suggestion of overlapping layers in Weder where an inner layer is translucent and an outer layer is transparent. Therefore, the present invention is not rendered obvious by reference to Bowman either alone or in combination with Weder. Thus, the present rejection has been overcome, and applicant respectfully request that the rejection be withdrawn.

Applicants assert that all claims are now in condition for allowance, early notification of which is respectfully requested. A petition for a three month extension of time was submitted along with a Notice of Appeal on August 10, 2005. No additional extensions of time are needed. In addition, no additional fees are believed due for the submission of this amendment since the total number of claims as-amended is less than 20 and the total number of independent claims is less than 3.

Respectfully submitted,

Date September 20, 2005


George Willingham, Esq. (Reg. No. 41,377)
Attorney for Applicant
P.O. Box 19080
Baltimore, MD 21284-9080
410-832-8801

Enclosures